

REMARKS

Applicant respectfully requests reconsideration of the instant application in view of the amendments, herein, and the following remarks:

The following claims are *pending*: 1, 2, 4-10 and 12-34.

The following claims are *independent*: 1, 33 and 34.

The following claims have previously been cancelled without prejudice or disclaimer: 3 and 11

Applicant thanks the Examiner for indicating that claims 1-2, 4-10 and 12-34 are allowable if a valid terminal disclaimer is filed.

Double Patenting Rejection

Claims 1, 2, 4-10 and 12-34 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting. Specifically, the pending rejection has alleged that independent claims 1, 33 and 24 are unpatentable over claims 1, 10, 20 and 21 of copending Application No. 10/456,000; and claims 1, 12, 17 and 21 of copending Application No. 10/464,601. Although Applicant respectfully traverses these rejections, Applicant files concurrently herewith a Terminal Disclaimer to expedite prosecution. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection, and allowance of all pending claims.

Authorization

Applicant hereby authorizes and requests that the Commissioner charge any additional fees that may be required for consideration of this and/or any accompanying and/or necessary papers to Deposit Account No. 03-1240, Order No. 17209-314CP1. In the event that an extension of time is required (or which may be required in addition to that requested in a petition for an extension of time), Applicant requests that the Commissioner grant a petition for an extension of time required to make this response timely, and, Applicant hereby authorizes and requests that the Commissioner charge any fee or credit any overpayment for such an extension of time to Deposit Account No. 03-1240, Order No. 17209-314CP1.

In the event that a telephone conference would facilitate examination of the application in any way, Applicant invites the Examiner to contact the undersigned at the number provided.

Respectfully submitted,
Attorney(s) for Applicant,
CHADBOURNE & PARKE LLP

Dated: October 29, 2010

By: /Walter G. Hanchuk/

Walter G. Hanchuk
Registration No.: 35,179

Correspondence Address:

CHADBOURNE & PARKE LLP
30 Rockefeller Plaza
New York, NY 10112

212-408-5100 (Telephone)
212-541-5369 (Facsimile)
patents@chadbourne.com (E-mail)